

AMENDMENTS TO THE DRAWINGS

The attached sheets include changes to Figures 1-5. Specifically, Figures 1-5 have been amended to remove the handwriting and to replace the handwriting with printed type figure labels (e.g., Fig. 1). In addition, Figures 1-5 have been replaced with cleaner copies, in which Figures 1-3 have been rotated 90 degrees. These sheets, which include Figures 1-5, replace the original sheets including Figures 1-5. Accordingly, no new matter has been added by way of these amendments.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

*REMARKS/ARGUMENTS**The Present Invention and the Pending Claims*

The present invention is directed to a vegetable protein preparation that is prepared by extracting seeds with a solvent in the presence of a lipase, in which the preparation's residual phospholipid content is $\leq 0.4\%$. Claims 1-21 currently are pending.

Amendments to the Claims

Claim 11 has been amended to place the claim in a format more consistent with U.S. patent practice. Specifically, claim 11 has been amended to recite a method of administering the protein preparation of claim 1 to an animal. Accordingly, no new matter has been added by way of this amendment.

Summary of the Amendments to the Drawings

The Examiner is requested to approve the accompanying replacement drawings. The changes to the drawings are the removal of all handwriting from Figures 1-5, as well as the replacement of Figures 1-5 with cleaner copies.

Priority Claim

Applicants note that the Office has not acknowledged the claim for priority under 35 U.S.C. § 119 nor receipt of the certified copies of the priority documents. Applicants filed the claim for priority and submitted certified copies of the two priority documents with the International Bureau upon filing PCT/EP03/06121. Since the present application is a § 371 of PCT/EP03/06121, the priority documents should have been forwarded to the Office upon entry in the national stage. Accordingly, Applicants request that the Office acknowledge the claim for priority and receipt of the certified copies of the priority documents.

Summary of the Office Action

The drawings have been objected to for allegedly lacking clarity and/or quality. Claim 11 has been rejected under 35 U.S.C. § 101 as allegedly lacking utility. Claim 11 also has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claims 1-21 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent

4,309,344 (Walsh) in view of U.S. Patent 5,989,600 (Nielsen et al.). Reconsideration of these rejections in view of the amendments and remarks set forth herein is respectfully requested.

Discussion of the Utility and Indefiniteness Rejections

The Examiner has objected to claim 11 as allegedly lacking utility, since claim 11 is directed to a use claim. Claim 11 also has been rejected as allegedly indefinite. The Examiner contends that method steps have not been properly defined in claim 11, and thus is unclear.

Claim 11 has been amended to place the claim in a format more consistent with U.S. patent practice. Specifically, claim 11 has been amended to recite a method of administering the protein preparation of claim 1 to an animal. In view of the claim amendments, Applicants submit that the utility and indefiniteness rejections have been rendered moot.

Discussion of the Obviousness Rejection

Claims 1-21 have been rejected as allegedly obvious over Walsh in view of Nielsen et al. Walsh allegedly discloses a process in which soybeans or vegetable protein material are defatted, and the oil is extracted to leave the soybean meal or flakes. Walsh allegedly also discloses using solvents such as hexane or azeotropes to remove the oil. The Examiner concedes that Walsh does not disclose lipase treatment of the isolated protein.

Nielsen et al. allegedly discloses the treatment of a vegetable protein with one or more lipolytic enzymes. The Examiner alleges that it would have been obvious to one of ordinary skill in the art to modify the teachings of Walsh by treating the plant protein with lipase, as taught by Nielsen et al., in order to reduce the residual lipid content of the protein material through hydrolysis and extraction.

Walsh discloses a method for the production of a protein isolate from a vegetable protein material, such as an oil seed meal, by at least one-fold extraction, wherein the oil content of the protein material has been removed in advance. Walsh also discloses neutralization and drying of the protein material and/or prior thermal treatment. However, Walsh does not disclose or suggest the use of a lipase to *decrease* the phospholipid content of

the protein preparation, much less a protein preparation with a phospholipid content $\leq 0.4\%$, as recited in the pending claims.

Nielsen et al. does not disclose the preparation of a vegetable protein preparation, but rather the preparation of a protein hydrolysate (column 2, line 32). Therefore, the protein preparation disclosed by Nielsen et al. requires the use of a phytase, i.e., an enzyme which catalyses the removal of inorganic phosphorus from various myoinositol phosphates (column 3, lines 45-47). Accordingly, the protein preparation disclosed by Nielsen et al. differs from the protein preparation of the instant application. More specifically, Nielsen et al. discloses the preparation of protein hydrolysates, whereas the present invention is directed to protein preparations which are *not* hydrolysated, but only exhibit a decreased residual phospholipid content. As such, Nielsen et al. does not disclose or suggest a vegetable protein preparation with a phospholipid content $\leq 0.4\%$, as recited in the pending claims.

The disclosure of Walsh is directed to a process for the production of a soy protein isolate which provides a product with an improved degree of whiteness. The disclosure of Nielsen et al. is directed to a process for the solubilization of proteins in a vegetable protein source, thereby obtaining a protein hydrolysate. Because the disclosures of Walsh and Nielsen et al. are related to different processes, with different desired outcomes, one of ordinary skill in the art would not be motivated to combine the disclosures of the cited references.

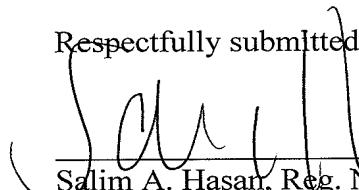
Furthermore, even if one of ordinary skill in the art were to combine the disclosures of the cited references, neither Walsh nor Nielsen et al. discloses that it would be desirable to use a lipase to *reduce* the phospholipid content of the prepared protein preparation or hydrolysate, respectively, much less that a phospholipid content of $\leq 0.4\%$ would be desirable. As such, the combined disclosures of Walsh and Nielsen et al. do not disclose or suggest all of the elements recited in the rejected claims.

In view of the foregoing, the present invention, as recited in the pending claims, is not obvious in view of the cited references. Accordingly, the obviousness rejection should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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